

1-1 By: Darby (Senate Sponsor - Seliger) H.B. No. 1435
1-2 (In the Senate - Received from the House April 29, 2013;
1-3 April 30, 2013, read first time and referred to Committee on
1-4 Jurisprudence; May 16, 2013, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 May 16, 2013, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10			X	
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 1435 By: Garcia

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to certain notices, reports, and descriptions provided by
1-20 or filed with court and county clerks.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Article 46C.003, Code of Criminal Procedure, is
1-23 amended to read as follows:

1-24 Art. 46C.003. VICTIM NOTIFICATION OF RELEASE. If the court
1-25 issues an order that requires the release of an acquitted person on
1-26 discharge or on a regimen of outpatient care, the clerk of the court
1-27 issuing the order, using the information provided on any victim
1-28 impact statement received by the court under Article 56.03 or other
1-29 information made available to the court, shall notify the victim or
1-30 the victim's guardian or close relative of the release.
1-31 Notwithstanding Article 56.03(f), the clerk of the court may
1-32 inspect a victim impact statement for the purpose of notification
1-33 under this article. On request, a victim assistance coordinator may
1-34 provide the clerk of the court with information or other assistance
1-35 necessary for the clerk to comply with this article.

1-36 SECTION 2. Section 58.110(c), Family Code, is amended to
1-37 read as follows:

1-38 (c) The clerk of the court exercising jurisdiction over a
1-39 juvenile offender's case shall report the disposition of the case
1-40 to the department. ~~[A clerk of the court who violates this~~
1-41 ~~subsection commits an offense. An offense under this subsection is~~
1-42 ~~a Class C misdemeanor.]~~

1-43 SECTION 3. Section 85.042(a-1), Family Code, is amended to
1-44 read as follows:

1-45 (a-1) This subsection applies only if the respondent, at the
1-46 time of issuance of an original or modified protective order under
1-47 this subtitle, is a member of the state military forces or is
1-48 serving in the armed forces of the United States in an active-duty
1-49 status and the applicant or the applicant's attorney provides to
1-50 the clerk of the court the mailing address of the staff judge
1-51 advocate or provost marshal, as applicable. In addition to
1-52 complying with Subsection (a), the clerk of the court shall also
1-53 provide a copy of the protective order and the information
1-54 described by that subsection to the staff judge advocate at Joint
1-55 Force Headquarters or the provost marshal of the military
1-56 installation to which the respondent is assigned with the intent
1-57 that the commanding officer will be notified, as applicable.

1-58 SECTION 4. Section 402.010, Government Code, is amended by
1-59 amending Subsections (a) and (c) and adding Subsection (a-1) to
1-60 read as follows:

1-61 (a) In an action in which a party to the litigation files a
1-62 petition, motion, or other pleading challenging the
1-63 constitutionality of a statute of this state, the party shall file

2-1 the form required by Subsection (a-1). The court shall, if the
2-2 attorney general is not a party to or counsel involved in the
2-3 litigation, serve notice of the constitutional challenge
2-4 [question] and a copy of the petition, motion, or other pleading
2-5 that raises the challenge on the attorney general either by
2-6 certified or registered mail or electronically to an e-mail address
2-7 designated by the attorney general for the purposes of this
2-8 section[. Notice under this section must identify the statute in
2-9 question, state the basis for the challenge, and specify the
2-10 petition, motion, or other pleading that raises the challenge].

2-11 (a-1) The Office of Court Administration of the Texas
2-12 Judicial System shall adopt the form that a party challenging the
2-13 constitutionality of a statute of this state must file with the
2-14 court in which the action is pending indicating which pleading
2-15 should be served on the attorney general in accordance with this
2-16 section.

2-17 (c) A party's failure to file as required by Subsection (a)
2-18 or a court's failure to [file or] serve notice as required by
2-19 Subsection (a) does not deprive the court of jurisdiction or
2-20 forfeit an otherwise timely filed claim or defense based on the
2-21 challenge to the constitutionality of a statute of this state.

2-22 SECTION 5. Sections 363.064(b) and (c), Health and Safety
2-23 Code, are amended to read as follows:

2-24 (b) If the boundaries of a municipal solid waste unit that
2-25 is no longer operating are known to be wholly on an identifiable
2-26 tract, the council of governments for the area in which the former
2-27 landfill unit is located shall notify the owner of land that
2-28 overlays the former landfill unit of the former use of the land and
2-29 shall notify the county clerk of the county or counties in which the
2-30 former landfill unit is located of the former use. The notice to the
2-31 county clerk must include:

2-32 (1) a description of the exact boundaries of the
2-33 former landfill unit or, if the exact boundaries are not known, the
2-34 best approximation of each unit's boundaries;

2-35 (2) a legal description of the parcel or parcels of
2-36 land in which the former landfill unit is located;

2-37 (3) notice of the former landfill unit's former use;
2-38 and

2-39 (4) notice of the restrictions on the land imposed by
2-40 this subchapter. [The notice requirements of this subsection do not
2-41 apply if the exact boundaries of a former landfill unit are not
2-42 known.]

2-43 (c) The county clerk shall record the descriptions and
2-44 notices submitted by a council of governments under Subsection (b).
2-45 The county clerk may prescribe the method of arranging and indexing
2-46 the descriptions and notices [on the deed records of land formerly
2-47 used as a municipal solid waste landfill a description of the exact
2-48 boundaries of the former landfill unit, or, if the exact boundaries
2-49 are not known, the best approximation of each unit's boundaries,
2-50 together with a legal description of the parcel or parcels of land
2-51 in which the former landfill unit is located, notice of its former
2-52 use, and notice of the restrictions on the development or lease of
2-53 the land imposed by this subchapter]. The county clerk shall make
2-54 the descriptions and notices [records] available for public
2-55 inspection.

2-56 SECTION 6. The changes in law made by this Act apply only to
2-57 an offense committed on or after the effective date of this Act. An
2-58 offense committed before the effective date of this Act is governed
2-59 by the law in effect on the date the offense was committed, and the
2-60 former law is continued in effect for that purpose. For purposes of
2-61 this section, an offense was committed before the effective date of
2-62 this Act if any element of the offense occurred before that date.

2-63 SECTION 7. The changes in law made by this Act apply only to
2-64 a notice, report, description, petition, motion, or other pleading
2-65 provided or filed on or after the effective date of this Act.

2-66 SECTION 8. This Act takes effect September 1, 2013.

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